

AMENDED IN ASSEMBLY APRIL 16, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1390

Introduced by Assembly Member Blumenfield

February 27, 2009

An act to ~~add Section 38006 to~~ *amend Section 48902 of the Education Code, relating to school safety.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1390, as amended, Blumenfield. *School safety: school security and police departments: ~~criminal activity involving firearms.~~*

(1) Existing law authorizes the governing board of a school district to establish a security department under the supervision of a chief of security or a police department under the supervision of a chief of police, as designated by, and under the direction of, the superintendent of the school district. Existing law ~~designates persons employed and compensated as members of a police department of a school district, when appointed and duly sworn, as peace officers. Existing law prescribes the required training and conditions of employment for school security officers~~ *requires the principal of a school, or a principal's designee, prior to the suspension or expulsion of any pupil, to notify the appropriate law enforcement agencies of the county or city of which the school is situated, of certain criminal acts of the pupil. Existing law requires the principal, or a principal's designee, within one schoolday after suspension or expulsion of any pupil, to notify the appropriate law enforcement authority of the county or the school district in which*

the school is situated of any acts of the pupils that may violate specified alcohol, intoxicant, or controlled substance related crimes.

~~This bill would require a an authorized school security department or school police department to make a written report, within 24 hours of the incident, regarding an incident occurring on a school campus that involves either a crime accompanied by the use or possession of a firearm or any of several specified acts for which a school principal or school district superintendent is required to recommend a pupil for expulsion to the appropriate law enforcement agency having jurisdiction over the area in which the incident occurred. The bill also would require a school security department or school police department to make a written report, within 24 hours of the incident, regarding an incident in which a firearm is surrendered to or otherwise seized by a school security officer or a school peace officer on a school campus to the appropriate law enforcement agency having jurisdiction over the area in which the incident occurred. The bill would require the law enforcement agency, upon receiving the firearm from the school security department or school police department, to store the firearm in the same location where the agency maintains evidence for safekeeping any act by a pupil or nonpupil taking place on a school site, to the appropriate county or city law enforcement agency having jurisdiction over the area in which the incident occurred, involving specified acts relating to firearms, a knife, controlled substances, sexual assault, or possession of an explosive, as specified.~~

By requiring school security and police departments and local law enforcement agencies to perform additional duties, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 48902 of the Education Code is amended*
2 *to read:*

3 48902. (a) The principal of a school or the principal's designee
4 shall, prior to the suspension or expulsion of any pupil, notify the
5 appropriate law enforcement authorities of the county or city in
6 which the school is situated, of any acts of the pupil that may
7 violate Section 245 of the Penal Code.

8 (b) The principal of a school or the principal's designee shall,
9 within one schoolday after suspension or expulsion of any pupil,
10 notify, by telephone or any other appropriate method chosen by
11 the school, the appropriate law enforcement ~~authority~~ *authorities*
12 of the county or the school district in which the school is situated
13 of any acts of the pupils that may violate subdivision (c) or (d) of
14 Section 48900.

15 (c) Notwithstanding subdivision (b), the principal of a school
16 or the principal's designee shall notify the appropriate law
17 enforcement authorities of the county or city in which the school
18 is located of any acts of a student that may involve the possession
19 or sale of narcotics or of a controlled substance or a violation of
20 Section 626.9 or 626.10 of the Penal Code.

21 (d) *A school security department, or school police department,*
22 *which is authorized pursuant to Section 38000, shall notify, within*
23 *24 hours, in writing, the appropriate county or city law*
24 *enforcement authorities having jurisdiction where the incident*
25 *occurred, of any act by a pupil or nonpupil specified in subdivision*
26 *(c) of Section 48915, taking place on a schoolsite.*

27 ~~(d)~~

28 (e) A principal, the principal's designee, or any other person
29 reporting a known or suspected act described in subdivision (a) or
30 (b) is not civilly or criminally liable as a result of making any
31 report authorized by this article unless it can be proven that a false
32 report was made and that the person knew the report was false or
33 the report was made with reckless disregard for the truth or falsity
34 of the report.

35 ~~(e)~~

36 (f) The willful failure to make any report required by this section
37 is an infraction punishable by a fine to be paid by the principal or

principal's designee who is responsible for the failure of not more than five hundred dollars (\$500).

(f)

(g) The principal of a school or the principal's designee reporting a criminal act committed by a schoolage individual with exceptional needs, as defined in Section 56026, shall ensure that copies of the special education and disciplinary records of the pupil are transmitted, as described in paragraph (9) of subsection (k) of Section 1415 of Title 20 of the United States Code, for consideration by the appropriate authorities to whom he or she reports the criminal act. Any copies of the pupil's special education and disciplinary records may be transmitted only to the extent permissible under the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g et seq.).

SECTION 1. ~~Section 38006 is added to the Education Code, to read:~~

~~38006. (a) A school security department or school police department shall make a written report, within 24 hours of the incident, regarding an incident occurring on a school campus that involves either a crime accompanied by the use or possession of a firearm or any of the acts specified in Section 48915 to the appropriate law enforcement agency having jurisdiction over the area in which the incident occurred.~~

~~(b) A school security department or school police department shall make a written report, within 24 hours of the incident, regarding an incident in which a firearm is surrendered to, or otherwise seized by, a school security officer or a school peace officer on a school campus to the appropriate law enforcement agency having jurisdiction over the area in which the incident occurred. The law enforcement agency, upon receiving the firearm from the school security department or school police department, shall store the firearm in the same location where the agency maintains evidence for safekeeping.~~

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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